

Adopted	Rejected
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COMMITTEE REPORT

YES:	15
NO:	10

MR. SPEAKER:

*Your Committee on Ways and Means, to which was referred House Bill 2026, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1       Page 2, line 14, delete "IC 24-42.5" and insert "IC 16-42.5".
- 2       Page 4, line 8, delete "information, and the state department may"
- 3       and insert "**information.**".
- 4       Page 4, delete line 9.
- 5       Page 4, line 10, after "4." insert "(a)".
- 6       Page 4, line 10, delete "impose prior authorization" and insert "**post**
- 7       **on its Internet website the following information:**
- 8       (1) The names and other pertinent information of the
- 9       manufacturers or labelers that entered into a rebate
- 10       agreement as described in section 1 of this chapter.
- 11       (2) The names and other pertinent information of the
- 12       manufacturers or labelers that did not enter into a rebate
- 13       agreement as described in section 1 of this chapter.
- 14       (b) The state department may publish all or part of the

1     **information described in subsection (a) in any newspaper of**  
2     **general circulation published in Indiana."**

3         Page 4, delete lines 11 through 14.

4         Page 6, line 41, delete "Emergency Pricing for Prescription Drugs"  
5     and insert "**Terms of Rebate Agreement**".

6         Page 6, line 42, delete "Not later than July 1, 2004, the state  
7     department shall" and insert "**A rebate agreement entered into under**  
8     **IC 16-42.5-3-1 must include a verification by the manufacturer or**  
9     **labeler that the price negotiated in the rebate agreement complies**  
10    **with this article.**

11        **(b) The state department may perform an audit of any**  
12    **manufacturer or labeler who has entered into a rebate agreement**  
13    **to determine whether the manufacturer or labeler complied with**  
14    **subsection (a). The state department may contract with an**  
15    **independent individual or organization to carry out the**  
16    **department's duties under this subsection. A manufacturer or**  
17    **labeler shall provide information that the state department may**  
18    **reasonably require to enable it to determine whether the**  
19    **manufacturer or labeler is in compliance with this chapter.**

20        **(c) If the state department or its agent determines that a**  
21    **manufacturer or labeler has not complied with subsection (a), the**  
22    **state department shall require the manufacturer or labeler to do**  
23    **the following:**

24           **(1) Refund to the state department the difference between the**  
25        **price offered to the state by the rebate agreement and the**  
26        **lowest price offered by the manufacturer or labeler as**  
27        **determined by the state department's negotiating formula**  
28        **under IC 16-42.5-3 and IC 16-42.5-4.**

29           **(2) Promptly pay the costs of the audit.**

30        **(d) The state may hire counsel to collect any amount, including**  
31    **attorney's fees and the cost of collection, under subsection (c) that**  
32    **is not promptly paid.**

1           **(e) The state department shall deposit any money collected**  
2           **under subsection (c) into the Rx dedicated fund."**

3           Delete pages 7 through 8.  
            (Reference is to HB 2026 as introduced.)

**and when so amended that said bill do pass.**

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Representative Bauer